## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY PRUNTY,	) C 08-2070 MMC(PR)
Petitioner,	ORDER OF TRANSFER
vs.	
LARRY SCRIBNER, Warden,	)
Respondent.	)
-	)

On April 21, 2008, petitioner, a California prisoner incarcerated at Calipatria State Prison and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges a conviction obtained in the Superior Court of Sacramento County.

Pursuant to 28 U.S.C. § 2241(d), venue for a habeas action is proper in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). Where the petition challenges a conviction or sentence, however, federal courts in California traditionally have chosen to hear such petition in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); see also Habeas L.R. 2254-3(a)(1). In the instant action, neither the district of confinement nor the district of conviction is located within the venue of the Northern District of California. Calipatria State Prison, where petitioner is confined, is located in

Imperial County, which, in turn, is located within the venue of the Southern District of California. See 28 U.S.C. § 84(d). Sacramento County, where petitioner was convicted, is located within the venue of the Eastern District of California. See id.

When venue is improper, the district court has the discretion to either dismiss the action or transfer it "in the interest of justice." See 28 U.S.C. § 1406(a). Accordingly, in the interest of justice, the above-titled action is hereby TRANSFERRED to the United States District Court for the Eastern District of California, the district in which Sacramento County, the county wherein petitioner was convicted, is located. In light of the transfer, the Court will defer to the Eastern District with respect to petitioner's application to proceed in forma pauperis and his motion to stay proceedings in this matter until he has exhausted his state remedies.

The Clerk shall close the file and terminate all pending motions on this Court's docket.

IT IS SO ORDERED.

DATED: May 2, 2008

United States District Judge